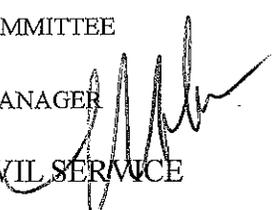


TOWN OF PLYMOUTH
TOWN MANAGER'S OFFICE

MEMORANDUM

TO: BOARD OF SELECTMEN
FINANCE AND ADVISORY COMMITTEE

FROM: MELISSA ARRIGHI, TOWN MANAGER 

SUBJECT: ARTICLE 11 – RESCIND CIVIL SERVICE

DATE: JANUARY 19, 2017

At the last Town Meeting, we had reserved two separate articles to remove the Civil Service requirement for the positions of Fire Chief, Deputy Fire Chief, Police Chief and Police Captain. The passage of those articles and the elimination of civil service for those executive level positions had merit, would have improved efficiency, and helped with succession planning in both Departments. All those points remain as true today as they were then.

We openly presented these articles at public forums, including Selectmen's meeting, Advisory and Finance Committee, and Committee of Precinct Chairman. We followed the process exactly as we follow it for all articles, never deviating, so that we were as transparent as possible, thus providing an opportunity for everyone interested to educate themselves on the issue, participate in the debate, and form reasonable and informed opinions on the issue.

As you may recall, in the last couple of weeks before Town Meeting, we heard that some rank and file members of the Plymouth Fire and Police Departments strongly opposed those non-union positions being removed from civil service. Some even suggested that the elimination of civil service was a political grab to take control of the public safety departments. This took management by surprise as we had followed exact public process as mentioned earlier. However, since this unrest occurred in close proximity to Town Meeting, we believed that it would be supportive to staff and labor relations in general to withdraw the articles to provide any of these employees more time to digest the information and understand our reasons for promoting these articles.

Here we are, four months later, and all the reasons for eliminating civil service still remain. In particular, it is an immediate issue in the Fire Department. Therefore, we feel compelled to bring the issue back to Town Meeting, however, to do so in stages, addressing the immediate concern first. We are starting with the elimination of civil service for the Fire Department executive positions at this Town Meeting and plan to bring the Police Department executive positions

forward at a future Town Meeting (most likely Fall 2017). In response to some of the Unions comments from the Fall regarding the need to have plenty of time to compose a thoughtful response with opposing arguments, we notified them of our intentions in January 2017.

The elimination of civil service is long overdue. As you heard in the Fall, it has become increasingly more difficult for the Town to recruit and encourage those officers within the rank and file to seek career enhancing promotional opportunities. Additionally, the Fire Chief and I believe that rescinding Civil Service will provide the Town with greater flexibility in recruiting, hiring and maintaining the best and the brightest to serve this community. I have listed our challenges and opportunities below.

Fire Department Challenges

Plymouth Fire requested a Deputy Chiefs Exam and a Fire Chiefs Exam Fall of 2011; the exam was scheduled (with other communities statewide) in March 2012.

- March 2012 Deputy Chief and Fire Chief Exams, the exam is open to Battalion Chiefs and Deputy Fire Chiefs, not enough applicants signed up (need 4) Exam closed to Plymouth and automatically rescheduled for the following year open to the next lower rank.
- March 2013 Deputy Chief and Fire Chief Exams, automatically posted for Plymouth due to not enough applicants in 2012, the exam is open to Deputy Fire Chiefs, Battalion Chiefs, and Captains. Not enough applicants signed up (need 4) Exam closed to Plymouth and automatically rescheduled for the following year open to the next lower rank.
- March 2014 Deputy Chief and Fire Chief Exams, automatically posted for Plymouth due to not enough applicants in 2013, the exam is open to Deputy Fire Chiefs, Battalion Chiefs, Captains and Lieutenants. No one signed up for either Exam (need 4) Exam closed to Plymouth and automatically rescheduled for the following year open to the next lower rank.
- March 2015 Deputy Chief and Fire Chief Exams, automatically posted for Plymouth due to not enough applicants in 2014, the exam is open to Deputy Fire Chiefs, Battalion Chiefs, Captains and firefighters (anyone alive). No one signed up for either Exam (need 4) Exam closed to Plymouth for 2015 and in accordance with Civil Service Regulations (PAR) both the Deputy Fire Chief and Fire Chiefs exams are closed out and will not automatically be rescheduled.

Currently, both the Chief and Deputy Chief have enough time in service to retire (Deputy Young retired July 5, 2016), and there is no available list to fill the current vacancy. If there are further retirements and openings there are no lists to appoint a permanent Deputy Chief or Fire Chief. At our last Town Meeting, the Fire Department had tried for over four years to establish a Civil Service Promotional list for Fire Chief and Deputy Fire Chief, without any personnel signing up. Since that time, we have been able to schedule a Deputy Fire Chief's exam for May 2017, however, we do not believe it will result in an acceptable list (acceptable is at least three names on a list from the exam). In addition, Civil Service has indicated that they will not have a Fire Chief exam in 2017 or 2018 "since it creates a deficit for Civil Service so we are not able to offer it".

Benefits to the Town by removing Civil Service:

The benefits to the Town are numerous. The below benefits have been realized by the other 85% Fire Departments throughout the Commonwealth who have eliminated the Civil Service requirement for the Fire Chief.

- Removing the Chief from Civil Service allows for greater flexibility within the hiring and promotional process.
- The department can determine the expiration date of the hiring and promotional lists.
- The fire department can set minimum eligibility guidelines not allowed under Civil Service such as higher education levels.
- The town and the department can determine what hiring preferences they want to acknowledge (residency, military experience, Paramedic/EMT certifications, language proficiency, prior academy training)
- Instead of the candidate ratio of (2N+1) departments would have a much larger candidate pool to select from.
- Ability to incorporate community and department specific criteria into promotional exams.
- Ability to offer promotional exams that more accurately gauge a candidate's suitability to become a supervisor.
- Attributes beyond test score, such as work product, contribution to the community and performance evaluations would factor into promotions.
- Ability to mandate a probationary period for promotions.
- There are many companies that provide promotional exams for police/fire departments.
- The exam score or rank does not have to be the determining factor for who the department interviews and promotes.
- Current employees retain their civil service status.
- Possible Promotion Criteria
 - Job related experience.
 - Performance evaluation.
 - Supervisory evaluation of the employee's potential.
 - Score on promotional exam.
 - Sick leave record.
 - Formal education.
 - Training and education through career development.
 - Disciplinary record.
 - Attitude toward the department and police work.
 - Work ethic and initiative.
- You broaden your promotional pool exponentially (100 applicants as compared to 2N+1)
- The appointing authority can decide what's important for their community, rather than being dictated
- You raise the level and competitiveness of the entire promotional process; as a result, your personnel raise the level of "their game"

In closing, we are strongly recommending the passage of Article 11 that will rescind civil service at the Executive Level of the Fire Department. Thank you for your consideration.

Related Note: As part of the elimination of civil service for these executive Fire positions, I also want to honor my commitment from the September 6, 2016 Town Manager's Report to the Board of Selectmen. In that report, and at the meeting that evening, I indicated that these non-union positions did not have protections/recourse in the personnel bylaws that govern their jobs. I stated at the time that because there is no specific reference to discipline procedures in the personnel bylaws, the non-union employees are essentially employees at will. If they feel wrongfully aggrieved, their only option would be to file suit against the Town or appeal to the Selectmen for a veto (in some cases). I made a commitment to come up with "good cause" language to propose to the 2017 Spring Special Town Meeting as an addition to the personnel bylaws. This proposed language is reflected in Article 1 on this warrant and will help protect any new Chiefs and Deputy Chiefs, as well as other non-union employees, with a process for discipline. I also stated that if the elimination of civil service passed Town Meeting, I would propose that the Town rescind MGL Chapter 48, Section 42 and MGL Chapter 41, Section 97A. These two statutes (attached) provide for the "Strong Chiefs" language, however, the language of the law conflicts with our Town Charter in terms of the appointing authority and is outdated overall. The redeeming language from those statutes has also been proposed for addition to the personnel bylaws in Article 1.